■ 10/540008 #2

### JG20 Rec'd PCT/PTO 22 JUN 2005 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE

International Application No. : PCT/IT2002/000822

International Filing Date : 23 December 2002 (23.12.2002)

Priority Date(s) Claimed : Damiano OTTONI

Title: AUXILIARY DEVICE FOR EXCAVATOR AND EXCAVATOR PROVIDED WITH SAID DEVICE

#### INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§ 1.56, 1.97 and 1.98

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

This information disclosure statement is made in accordance with 37 C.F.R. §§ 1.56, 1.97 and 1.98 as follows:

#### Timing and Fees

$\boxtimes$	Under 37 C.F.R. § 1.97(b), no fee or statement is required for filing this information disclosure statement is filed:						
		within three months of the filing date of a national application other than a CPA under § 1.53(d);					
	$\boxtimes$	within three months of the actual filing date of the national phase of a PCT application; OR					
		before the mailing of a first substantive office action (including after filing of an RCE).					
		37 C.F.R. § 1.97(c), this information disclosure statement is filed after the periods ed in 37 C.F.R. § 1.97(b), but before the mailing date of:					
		a final rejection under 37 C.F.R. 1.113; termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR a notice of allowance under 37 C.F.R. § 1.311; and					

		is acco	mpanied by:
			the statement as specified in 37 C.F.R. § 1.97(e) set out below; OR
			a check covering the fee of \$180.00 under 37 C.F.R. § 1.17(p).
			R. § 1.97(d), this information disclosure statement is filed after the mailing lowing actions which have not been withdrawn:
		a final	action under 37 C.F.R. § 1.113;
		termin	ation of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2);
		OR a r	notice of allowance under 37 C.F.R. § 1.311;
	AND i	s filed o	on or before payment of the issue fee; AND is accompanied by:
			tement as specified in 37 C.F.R. $\S$ 1.97(e) as set forth below, and the fee of 00 under 37 C.F.R. $\S$ 1.17(p).
Staten	nents Ur	nder 37	C.F.R. 1.97(e)
			Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application having a mailing date not more than three months prior to the filing date of this information disclosure statement; or
			No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned attorney after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of the information disclosure statement.
Cited	Materia	<u>ls</u>	
		ancest	s of materials listed but not attached were cited in benefit (35 U.S.C. § 120) or application Serial No, on Form 892 by the Examiner and/or Form by the applicant; see 37 C.F.R. § 1.98(d).
		_	s of materials listed but not attached were cited in an international search dated <u>July 11, 2003</u> .
		Not re	quired by 37 CFR § 1.98.
		Copie	s of the materials listed are attached (except for the foregoing).

Non-English	Language References
$\boxtimes$	An English-language search report or equivalent paper from a foreign patent office is provided indicating the relevance of the cited reference(s).
	A foreign-language search report from a foreign patent office is provided, and pertinent parts are translated substantively below:
	<ul> <li>X = document of particular relevance when it is taken alone</li> <li>Y = document of particular relevance when it is combined with another such document</li> <li>A = document defining the general state of the art</li> <li>O = non-written disclosure</li> <li>P = intercalated document</li> <li>T = document cited to understand the theory or principle underlying the invention</li> <li>E = patent document which has the benefit of a date earlier than the filing date and which was published only on or after this filing date</li> <li>D = cited in the application</li> <li>L = cited for another reason</li> <li>&amp; = publication of member of same patent family</li> </ul>
	Translation of other relevant information on foreign search report
Other Inform	<u>ation</u>
	ck for \$ covering the fee identified above is attached.

Please charge to Deposit Account No. 13-3402 \$\_\_\_\_\_ for the fee identified above.

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The Commissioner is hereby authorized to charge or credit any overpayment to Deposit Account #13-3402, two copies of this paper are attached for this purpose.

Respectfully submitted,

Anthony J. Zelano, Reg. No. 27,969 Attorney Agent for Applicants

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Attorney Docket No.: MARGI-0045

Date: June 22, 2005

AJZ:ssr

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Substitute	e for form 1449A/PTO	)			Complete if Known
				Application Number	UNP of P5//02002/00823
INFO	RMATION	DISC	CLOSURE	Filing Date	23 December 2002 (23.12.2002)
STAT	TEMENT BY	Y AP	PLICANT	First Named Inventor	Damiano OTTONI
				Group Art Unit	unknown
	(use as many she	ets as r	necessary)	Examiner Name	unknown
Sheet	1 1	of	2	Attorney Docket Number	MARGI-0045

	U.S. PATENT DOCUMENTS					
Examiner Initials *	Cite No.1		(ind Code <sup>2</sup> (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document  MM-DD-YYYY	
	001	4,932,832		MCCASLAND, ET AL.	06-12-1990	
	002	4,283,866	_	OGAWA, JUNJI	08-18-1981	
	003	2002/101107		CUNNINGHAM, ET AL.	08-01-2002	
	004	3,275,172		SMITH, WEDAD	09-27-1966	

	FOREIGN PATENT DOCUMENTS							
	Foreign Patent Document				Date of Publication of	Pages, Columns, Lines, Where Relevant		
Examiner Initials*	Cite No.1	Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> ( <i>if known</i> )	Name of Patentee or Applicant of Cited Document	Cited Document MM-DD-YYYY	Passages or Relevant Figures Appear	T <sup>6</sup>
	005	JP	11 193544		IIDA TEKKO:KK	07-21-1999		
	006	JP	2000 027226		IIDA TEKKO: KK	01-25-2000		
	007	JP	11 336114		NAKAGAWA, H.	12-07-1999		
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<sup>&</sup>lt;sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached. Number refers to English language corresponding family member.

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Substitute for	or form 1449A/P	то		Complete if Known		
			001105	Application Number	USNIP OFFICAVITY 002 000022	
			OSURE	Filing Date	23 December 2002 (23.12.2002)	
STAT	EMENT I	BY APP	LICANT	First Named Inventor	Damiano OTTONI	
				Group Art Unit	unknown	
(4	use as many s	heets as nec	essary)	Examiner Name	unknown	
Sheet	2	of	2	Attorney Docket Number	MARGI-0045	

Examiner	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T²
Initials *		PATENT ABSTRACTS OF JAPAN vol. 1999, no. 12, JP 11 193544 10-29-1999	005
		PATENT ABSTRACTS OF JAPAN vol. 2000, no. 04, JP 2000 027226 08-31-2000	006
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	010	PATENT ABSTRACTS OF JAPAN vol. 2000, no. 03, JP 11 336114 03-30-2000	007
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